

MISSION AND CONCEPT OF THE NUCLEAR WASTE NEGOTIATOR

David H. Leroy
Office of the US Nuclear Waste Negotiator

ABSTRACT

The office of the U.S. Nuclear Negotiator, organized under the 1987 Nuclear Waste Policy Amendments Act, is developing a process and benefits package to solicit dialogue with states, tribes and territories willing to host a high level waste repository or MRs. Those with a nuclear technology or service are challenged to be involved in helping solve the siting problem by working with local and state leaders to encourage discussions with and inquiries to the negotiator. There are substantial, long term opportunities aplenty for those who are willing to take the point and invest their time and resources.

INTRODUCTION

In the history of this republic, there has never been a morning more timely for discussing the topic of what to do with our nation's nuclear waste.

The President has announced and Congress is debating a National Energy Strategy which includes nuclear power, plant licensing and waste storage planks. Events in the Middle East link the issues of nuclear weapons and energy independence. Domestic economic stresses have encouraged Federal program cutbacks and facility closures. The States are faced with significant budget shortages. Tens of thousands of metric tons of high-level nuclear waste are in ad hoc storage in water-covered pools, cement casks, and steel tanks in dozens of locations throughout America. The moral responsibilities of this generation which has accepted the benefits of nuclear power and nuclear defense to succeeding generations to fashion a plan for handling our accumulation of nuclear by-products and wastes have not yet been met. And finally, all over the country, the proposed siting of controversial public facilities is met with anguished cries of "NIMBY" - Not In My Back Yard, "NIMTOO" - Not In My Term Of Office, and "NUAC" - Not Under Any Circumstances. It is quite a morning!

The Office of the United States Nuclear Waste Negotiator was created in 1987 by Amendment to the 1982 Nuclear Waste Policy Act. The Negotiator is directed by Congress to search the country for willing hosts to help solve this Nation's high-level nuclear waste storage problem. To make matters more challenging, I have pledged to the Senate that I will not engage in the artificial creation of "grass-roots" support in local communities. Instead, we are to work through the Governor or Tribal Council of all interested jurisdictions.

Simply put, the challenge is to create a process that invites a dialogue with every prospective host jurisdiction...and to fairly and honestly assess upon what terms and conditions, if any, States, Tribes, and territories are willing to participate in the most controversial environmental opportunities of the Century.

A basic analysis reveals that this is not a very novel endeavor...we are merely reaching out to reason together. Yet, in examining the complexities of an issue which has polarized America, we, much like the starship Enterprise,

are reaching far beyond where this Nation has ever gone before.

Let me confess that much of the knowledge which I possess today on this subject, and will cheerfully share with you, is in large part stolen property. It has been imparted to me by literally hundreds of experts, opinion makers, leaders, interest groups, elected officials and others of the most diverse backgrounds and competing philosophies.

When the President of the United States nominated me, and the U.S. Senate confirmed me to the task at hand, I quietly assessed how I might best contribute to resolving what most of my contemporaries had properly diagnosed as one of the toughest challenges in the history of American government.

By the process of elimination, I quickly determined that I possessed absolutely no scientific skills...I am not a scientist. For that matter, I am not technically trained, and frankly speaking, I couldn't fake it as a mechanic at a "Minute Lube." But then again, they just want to change your oil; I have to change the world.

Having made this personal analysis, I promptly determined that there was one compelling need which I could and must fulfill before proceeding any further...I would become America's best listener - because America sorely needs a good listener!

In the past six months, I have visited nuclear facilities at Rocky Flats, Hanford, Savannah River, Indian Point, W.I.P.P. and Three Mile Island. We have studied the Low Level Waste Regional Compact process in the U.S., and the high-level initiatives of Canada and Europe for lessons about voluntary siting and public involvement. I have concluded from my listening that we must deal directly and openly with the "R" word - "Risk," and the very real fears of people about all things "nuclear," because in state-level politics "perception is the reality." I have become convinced that we must design an entirely new, truly innovative process for consulting with people about their own needs, desires and choices. And I know that the U.S. Nuclear Negotiator must be the guardian of that process, not the guarantor of a siting result, if the process is to have a chance to work.

As I prepared to convey my thoughts on this topic to you, I was reminded of the words to poet laureate Alfred

Lord Tennyson when he wrote, "I would that my tongue could utter the thoughts that arise in me..."

Words must utterly fail to describe to you the procedural void that exists today in meeting the challenge of balancing a sound energy policy with sound environmental management. Politics have polarized America's ability to deal effectively and fairly with this issue.

Lacking the skills of a poet laureate, let me share you a true story about a small town in my home State of Idaho. In 1982, I was campaigning for statewide office with Congressman, now U.S. Senator, Larry Craig, in a large motorhome full of eager volunteers, lots of literature and plenty of rhetoric. Mounted outside, on top of the vehicle and hooked into a stereo system inside, were two huge loud speakers. Upon pulling into a town, we would broadcast voter messages, play music, and welcome our supporters over that very effective sound system.

In the middle of a sunny summer afternoon, when we rolled into the center of the small town of Whitebird, not a single citizen could be seen on the streets. As the Congressman and I exited and stood in front of the motorhome ready to shake hands, the campaign manager put in a John Phillips Sousa marching music tape and turned the volume up to 10. With the Washington Post March blaring, we waited for the delighted citizens to stampede toward our motorcade. A minute passed, then two, then three, and no one appeared. Finally, down at the far end of Main Street a garage door rolled back and a man wearing coveralls strode to the center of the street. He first glared at us, yelled something we couldn't hear over the music, then spun on his heel, turned his back toward us, bent over at the waist, pulled down his coveralls and exposed his bare bottom in our direction.

The Congressman turned to me and said, "You'd better put him down as undecided!"

For years afterward, I shared that story, never even realizing how true it was that the angry mechanic was indeed "undecided." Not that he appeared to be unmoved, to say the least, but he was technically "undecided." He had to be! Without any dialogue, without ever knowing anything about us, without even the benefit of a heated debate, he had rejected any participation that would have given him the facts upon which he should have made up his mind. He was fed up, frustrated if you will, and all the John Phillips Sousa marches, crepe paper, balloons, buttons, bumper stickers and 30-second television spots weren't going to change his mind. He had been excluded totally from the consultation process, not necessarily by desire, but most certainly by a flawed design.

Ladies and gentlemen, I refuse to let America be undecided about how we should best balance energy policy and the protection of our environment. America deserves to make an intelligent decision about how we dispose of high-

level nuclear waste, just as we, too, must make informed and intelligent decisions about acid rain, the ozone layer, water resources, air quality, oil exploration and the preservation of wilderness.

There is no time for politics and posturing as usual. America, and indeed the world, is at the crossroads of critical environmental decisions. Our country needs the negotiator process, or something like it, for involving state-level political figures and grassroots citizens alike, in a dialogue designed to solve national problems.

Many people have different views about how I should approach the role of Negotiator. I know some, with the best of intentions, would prefer that I slip into town under cover of night for a back room conclave in a smoke-filled chamber. Folks, controversial facility siting simply will not work that way and "I'm not going to do it."

Some would prefer that I send return postcards - fifty should do the trick. Just check a box, yea or nay. Then we can put this process of consultation down as a policy failure and get on with business as usual. Ladies and gentlemen, we need more than another quick and thoughtless response that ends the discussion before it can ever begin.

Some expect me to travel from airport to airport with a bag of money. That's not the solution. The issue isn't money. The issue is the fair and honest evaluation of costs and benefits in a progressive package that places safety first and tangible incentives last, utilizing a process that can explore problem resolution with honesty and integrity.

Almost everyone would like me to spell out that process today with micro-specificity, with timelines, charts, diagrams and a road map more colorful than the back page of USA Today. Such may be the comfort level of some, but it is never the making of a good dialogue. Honest communication is a dynamic and ever-changing process unbridled by a set of overdone rules and regulations.

Many, I am sure, would prefer that I sit by the telephone in hopeful anticipation of divine intervention. After all, such inaction would at least lack controversy and offer little threat to revise our poor record of problem solving. Ladies and gentlemen, I have no intention of playing cribbage with the Maytag repairman. This issue is too important and the time is too short.

Instead, here is what I pledge to do:

1. I will continue to listen. In panels, workshops, and one-on-ones, I will seek the best and the brightest ideas and opportunities for interest that may lead to a discussion, a discussion which could lead to a negotiation, and yes, a negotiation that can result in a positive outcome for the Nation, a State, a Tribe and our environment.

2. I will deal openly and honestly with all who have the courage to engage in dialogue, always mindful and respectful of their concerns and appreciative of their initiative for the public good, preserving confidences where appropriate and encouraging candor and public dialogue at every juncture.
3. I will reach out to every stakeholder and every public that has an interest, an idea, or an investment in seeking to resolve this issue, without prejudging their motivations or intentions, in hopes that they will not prejudice mine.
4. I will both develop and identify information and resources that will be made available to anyone interested in learning more about nuclear waste disposal or the feasibility of hosting a waste disposal facility.
5. I will never treat any dialogue or request for information by any State or jurisdiction as a commitment to proceed any further. I am not looking for targets, I am looking for a host which determines for itself that it is willing to proceed.
6. I will treat every State, jurisdiction, and stakeholder equally and fairly, as I expect them to treat the process.
7. I will challenge by every feasible and fair device and means, the Governor of every State and the officials of every Tribe and territory to engage in this dialogue, to participate in this process, and to demonstrate the leadership and courage necessary to give America and their constituents a fair hearing on this issue through a process that we will design and build together.

Federal feasibility grants to fund studies of the economic and social impacts of a nuclear waste facility are available now. Later in 1991, we will present to State and Tribal leaders a written invitation seeking expressions of interest and describing the substantial benefits available to

a host jurisdiction. In the meantime, I will respond to any inquiry, whether for information or discussion.

This process will not be exclusive. If invitations fail to create the dialogue sought, you may correctly anticipate that other interest-generating initiatives will follow.

I am not asking any Governor to say "yes." I'm not even asking anyone to irrevocably say "maybe." However, I am looking for leaders who share the commitment of Congress and this Administration to seek a cooperative national solution to this issue by fairly assessing in every jurisdiction the benefits and the costs of hosting America's most controversial facility.

How can you help? I have two years, ten people, a two million dollar operating budget, and too few answers to do this job alone. If you have a nuclear technology which you're looking to employ, take a chance and make an investment of your own time and resources to "open a door."

If you know of a community that could benefit, take the lead. Nurture their opportunity to work through their Governor.

If you know a Governor, a Tribe or a territory, take this message: I want to listen and I am also very willing to talk.

Why should you help? Help because there are substantial, long-term opportunities aplenty for those who are willing to take the point and invest their time and resources. As never before, their exist bold mandates for applying both good science and good politics to manage our resources and environment in a compatible and responsible manner. Unless we can build a reasonable, practical and successful approach to siting controversial facilities in this Nation, that same body of good science will not be incorporated into good public policy. In the final analysis, cooperation, volunteerism, and federalism are the ways government should do business with the people it serves.

Ladies and gentlemen, with or without the John Phillips Sousa marching music, simply put, it's time for America to pull up its coveralls and get to work.